

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1248 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-50-5-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) This section
- 4 applies only:
- 5 (1) if the county in which a criminal proceeding was filed adopts
- 6 an ordinance under IC 36-2-13-15 **or IC 36-2-13-15.3**; and
- 7 (2) to a person who is sentenced under this article for a felony or
- 8 a misdemeanor.
- 9 (b) At the time the court imposes a sentence, the court may order the
- 10 person to execute a reimbursement plan as directed by the court and
- 11 make repayments under the plan to the county for the costs described
- 12 in IC 36-2-13-15 **or IC 36-2-13-15.3**.
- 13 (c) The court shall fix an amount under this section that:
- 14 (1) may not exceed an amount the person can or will be able to
- 15 pay;
- 16 (2) does not harm the person's ability to reasonably be
- 17 self-supporting or to reasonably support any dependent of the
- 18 person; and
- 19 (3) takes into consideration and gives priority to any other
- 20 restitution, reparation, repayment, costs, fine, or child support
- 21 obligations the person is required to pay.
- 22 (d) When an order is issued under this section, the issuing court shall
- 23 send a certified copy of the order to the clerk of the circuit court in the
- 24 county where the felony or misdemeanor charge was filed. Upon
- 25 receiving the order, the clerk shall enter and index the order in the

circuit court judgment docket in the manner prescribed by IC 33-32-3-2.

(e) An order under this section is not discharged:

(1) by the completion of a sentence imposed for a felony or misdemeanor; or

(2) by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, and IC 34-48-6 before their repeal).

SECTION 2. IC 36-2-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(b) This section applies to a county only if the legislative body for the county elects by ordinance to implement this section.

(c) **Except as provided in subsection (d),** a person who is:

(1) sentenced under ~~this article~~ **IC 35-50** for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than seventy-two (72) hours;

(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection ~~(d)~~: **(e)**.

(d) Subsection (c) does not apply to a person who is:

(1) under the custody of the department of correction; and

(2) confined in a county jail.

~~(d)~~ **(e)** A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection ~~(e)~~; **(f)**; or

(B) thirty dollars (\$30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

~~(e)~~ **(f)** The county fiscal body shall fix the per diem described in subsection ~~(d)(1)(A)~~ **(e)(1)(A)** in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

~~(f)~~ **(g)** The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may

1 collect the amount due.

2 SECTION 3. IC 36-2-13-15.3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.3. (a) As used in
4 this section, "lawful detention" has the meaning set forth in
5 IC 35-41-1-18.

6 (b) This section applies only:

7 (1) to a county having a population of less than six thousand
8 (6,000); and

9 (2) if the legislative body for the county elects by ordinance to
10 implement this section.

11 (c) **Except as provided in subsection (d),** a person who is:

12 (1) sentenced under ~~this article~~ **IC 35-50** for a felony or a
13 misdemeanor;

14 (2) subject to lawful detention in a county jail for a period of more
15 than six (6) hours;

16 (3) not a member of a family that makes less than **one hundred**
17 **fifty percent** (150%) of the federal income poverty level; and

18 (4) not detained as a child subject to the jurisdiction of a juvenile
19 court;

20 shall reimburse the county for the costs described in subsection ~~(d)~~: **(e).**

21 **(d) Subsection (c) does not apply to a person who is:**

22 **(1) under the custody of the department of correction; and**

23 **(2) confined in a county jail.**

24 ~~(d)~~ **(e)** A person described in subsection (c) shall reimburse the
25 county for the sum of the following amounts:

26 (1) The lesser of:

27 (A) the per diem amount specified under subsection ~~(e)~~: **(f)**; or

28 (B) fifty dollars (\$50);

29 multiplied by each day or part of a day that the person is lawfully
30 detained in a county jail or lawfully detained under IC 35-33-11-3
31 for more than six (6) hours.

32 (2) The direct cost of investigating whether the person is indigent.

33 (3) The cost of collecting the amount for which the person is liable
34 under this section.

35 ~~(e)~~ **(f)** The county fiscal body shall fix the per diem described in
36 subsection ~~(d)(1)(A)~~ **(e)(1)(A)** in an amount that is reasonably related
37 to the average daily cost of housing a person in the county jail. If the
38 county transfers the person to another county or the department of
39 correction under IC 35-33-11-3, the per diem is equal to the per diem
40 charged to the county under IC 35-33-11-5.

41 ~~(f)~~ **(g)** The county sheriff shall collect the amounts due from a
42 person under this section in conformity with the procedures specified
43 in the ordinance adopted under subsection (b). If the county sheriff does
44 not collect the amount due to the county, the county attorney may
45 collect the amount due.

(Reference is to HB 1248 as printed January 14, 2005.)

Representative Ulmer